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10/775,727	02/10/2004	Larry Edward Schurr	2538-000018US	1551
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HARNESS, DICKEY, & PIERCE, P.L.C 7700 BONHOMME, STE 400 ST. LOUIS, MO 63105			FERGUSON, MICHAEL P	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,727

Applicant(s)

SCHURR ET AL.

Examiner

Michael P. Ferguson

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-9, 11-14, 16-20, 22-24 and 26-30 is/are rejected.
- 7) ☒ Claim(s) 4, 10, 15, 21, 25 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6, 21 and 29 are objected to because of the following informalities:

Claim 6 (line 3) recites "the rail". It should recite --a rail--.

Claim 21 (line 11) recites "the housing". It should recite --the device--.

Claim 29 (line 1) recites "of claim 29". It should recite --of claim 28--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites "An electrical power supply housed within the housing according to claim 12". Claim 20 fails to claim any specific structural limitations comprised within the claimed "electrical power supply" in order for one to determine what constitutes the invention. Accordingly, it is unclear as whether "an electrical power supply" or a housing comprising an electrical power supply is being positively claimed. It appears that the applicant intended to claim --The housing according to claim 12, further comprising an electrical power supply housed within the housing. --.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,5-7,11,12,16-20,22,26,27 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Raspotnig (US 6,543,957).

As to claim 1, Raspotnig discloses an apparatus for detachably mounting a device **10** to a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the apparatus comprising:

a bracket **12** on the device, the bracket having a recess for receiving the first edge of the rail, the recess including a lip for engaging the back face of the rail adjacent the first edge;

a clamp **22** on the device, the clamp having a resilient wing **26** (wing **26** defines an outlying region; thus defining a wing) for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the lip; and

a latch **44** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

As to claim 5, Raspotnig discloses an apparatus wherein the latch **44** is movably coupled to the device **10** to slidably engage the back face of the rail **28** adjacent the

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second edge in a first direction and to slidably disengage the rail in a second direction (Figure 4).

As to claim 6, Raspotnig discloses an electrical power supply having coupled thereto the apparatus for detachably mounting the electrical power supply to a rail **28** (Figure 1).

As to claim 7, Raspotnig discloses in combination with a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, a device **10** detachably mounted to the rail, the device comprising:

a bracket **12** having a recess for receiving the first edge of the rail, the recess including a lip for engaging the back face of the rail adjacent the first edge;

a clamp **22** having a resilient wing **26** (wing **26** defines an outlying region; thus defining a wing) for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

a latch **44** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

As to claim 11, Raspotnig discloses a combination wherein the latch **44** is movably coupled to the device **10** to slidably engage the back face of the rail **28** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 4).

As to claim 12, Raspotnig discloses a housing **10** detachably mountable to a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the housing comprising:

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a bracket **12** defining a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

a clamp **22** including a resilient wing **26** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

a latch **44** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

As to claim 16, Raspotnig discloses a housing **10** wherein the housing defines a plurality of generally rectangular openings for venting an area between the housing and a component positioned within the housing (Figure 1).

As to claim 17, Raspotnig discloses a housing **10** wherein the openings are arranged in a plurality of rows, each row being generally perpendicular to a front surface of the housing (Figure 1).

As to claim 18, Raspotnig discloses a housing **10** wherein the housing includes a beveled front surface (Figure 1).

As to claim 19, Raspotnig discloses a housing **10** wherein the Latch **44** is movably coupled to the housing to slidably engage the back face of the rail **28** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 4).

As to claim 20, Raspotnig discloses an electrical power supply housed within the housing **10** (Figure 1).

As to claim 22, Raspotnig discloses a method for detachably mounting a device **10** to a rail **28** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the method comprising:

positioning the first edge of the rail within a recess defined by a bracket **12** on the device, the positioning engaging a lip of the recess with the back face of the rail adjacent the first edge and resiliently engaging a wing **26** (wing **26** defines an outlying region; thus defining a wing) of a clamp **22** on the device with the front face of the rail, proximal to the engagement between the rail and the lip; and

engaging a latch **44** with the back face of the rail adjacent the second edge against the bias of the clamp (Figures 1-4).

As to claim 26, Raspotnig discloses an apparatus wherein when the apparatus is detachably mounting the device **10** to the rail **28**:

the lip substantially contacts the back face of the first edge;

the resilient wing **26** substantially contacts the front face of the first edge; and

the latch **44** substantially contacts the back face of the second edge (Figure 3).

As to claim 27, Raspotnig discloses an apparatus wherein the clamp **22** is configured such that the clamp and the resilient wing **26** cooperate to apply a clamping force between the bracket **12** and the rail **28** having sufficient friction for inhibiting sliding movement of the bracket along the rail (Figure 3).

As to claim 30, Raspotnig discloses an apparatus wherein the lip includes at least one partially sloped portion configured to facilitate engagement of the rail first edge of the rail **28** within the recess (Figure 2).

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3,5-9,11-14,16-20,22-24 and 26-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Baum (US 5,480,310).

As to claim 1, Baum discloses an apparatus for detachably mounting a device **10** to a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the apparatus comprising:

a bracket **45** on the device, the bracket having a recess for receiving the first edge of the rail, the recess including a lip for engaging the back face of the rail adjacent the first edge;

a clamp **15** on the device, the clamp having a resilient wing **30,26** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the lip; and

a latch **47** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (clamp **15** creates a spring force which biases bracket **45** away from rail **12** prior to full engagement of the clamp with the rail; Figures 1 and 8-11).

As to claim 2, Baum discloses an apparatus wherein the clamp **15** comprises two wings **30,26** disposed on opposite sides of the bracket **45** (Figure 11).



As to claim 3, Baum discloses an apparatus wherein the clamp **15** has a generally C-shaped **26,30** cross-section, with a substantially flat central section **41** disposed between the bracket **45** and the device **10** (Figure 11).

As to claim 5, Baum discloses an apparatus wherein the latch **47** is movably coupled to the device **10** to slidably engage the back face of the rail **12** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 9).

As to claim 6, Baum discloses an electrical power supply (inherently; not shown) having coupled thereto the apparatus for detachably mounting the electrical power supply to a rail **12** (Figure 1).

As to claim 7, Baum discloses in combination with a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, a device detachably mounted to the rail, the device comprising:

a bracket **45** having a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

a clamp **15** having a resilient wing **26,30** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

a latch **47** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (clamp **15** creates a spring force which biases bracket **45** away from rail **12** prior to full engagement of the clamp with the rail; Figures 1 and 8-11).

As to claim 8, Baum discloses a combination wherein the clamp **15** comprises two resilient wings **26,30** disposed on opposite sides of the bracket **45** (Figure 11).

As to claim 9, Baum discloses a combination wherein the clamp **15** has a generally C-shaped **26,30** cross-section, with a substantially flat central section **41** disposed between the bracket **45** and the device **10** (Figure 11).

As to claim 11, Baum discloses a combination wherein the latch **47** is movably coupled to the device to slidably engage the back face of the rail **12** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 9).

As to claim 12, Baum discloses a housing **10** detachably mountable to a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the housing comprising:

- a bracket **45** defining a recess for receiving the first edge of the rail, the recess including a Lip for engaging the back face of the rail adjacent the first edge;

- a clamp **15** including a resilient wing **26,30** for resiliently engaging the front face of the rail, proximal to the engagement between the rail and the Lip; and

- a latch **47** for engaging the back face of the rail adjacent the second edge against the bias of the clamp (clamp **15** creates a spring force which biases bracket **45** away from rail **12** prior to full engagement of the clamp with the rail; Figures 1 and 8-11).

As to claim 13, Baum discloses a housing **10** wherein the clamp **15** comprises two wings **26,30** disposed on opposite sides of the bracket **45** (Figure 11).

As to claim 14, Baum discloses a housing **10** wherein the clamp **15** has a generally C-shaped **26,33** cross-section, with a substantially flat central section **41** disposed between the bracket **45** and the housing **10** (Figure 11).

As to claim 16, Baum discloses a housing **10** wherein the housing defines a plurality of generally rectangular openings for venting an area between the housing and a component positioned within the housing (Figure 1).

As to claim 17, Baum discloses a housing **10** wherein the openings are arranged in a plurality of rows, each row being generally perpendicular to a front surface of the housing (Figure 1).

As to claim 18, Baum discloses a housing **10** wherein the housing includes a beveled front surface (Figure 1).

As to claim 19, Baum discloses a housing **10** wherein the Latch **47** is movably coupled to the housing to slidably engage the back face of the rail **12** adjacent the second edge in a first direction and to slidably disengage the rail in a second direction (Figure 9).

As to claim 20, Baum discloses an electrical power supply (inherently; not shown) housed within the housing **10** (Figure 1).

As to claim 22, Baum discloses a method for detachably mounting a device **10** to a rail **12** having generally oppositely facing first and second edges, each edge having adjacent front and back faces, the method comprising:

positioning the first edge of the rail within a recess defined by a bracket **45** on the device, the positioning engaging a Lip of the recess with the back face of the rail

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adjacent the first edge and resiliently engaging a wing **26,30** of a clamp **15** on the device with the front face of the rail, proximal to the engagement between the rail and the Lip; and

engaging a latch **47** with the back face of the rail adjacent the second edge against the bias of the clamp (clamp **15** creates a spring force which biases bracket **45** away from rail **12** prior to full engagement of the clamp with the rail; Figures 1 and 8-11).

As to claim 23, Baum discloses a method wherein the method includes coupling the clamp **15** to the device **10** by positioning a portion **41** of the clamp between the device and the bracket **45** (Figure 11).

As to claim 24, Baum discloses a method wherein the clamp has a generally C-shaped **26,30** cross-section with a substantially flat central section **41**, and wherein the coupling includes positioning the substantially flat central section between the bracket **45** and the device **10** (Figure 11).

As to claim 26, Baum discloses an apparatus wherein when the apparatus is detachably mounting the device **10** to the rail **12**:

the lip substantially contacts the back face of the first edge;

the resilient wing **30,26** substantially contacts the front face of the first edge; and

the latch **47** substantially contacts the back face of the second edge (Figures 9).

As to claim 27, Baum discloses an apparatus wherein the clamp **15** is configured such that the clamp and the resilient wing **30,26** cooperate to apply a clamping force

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between the bracket **45** and the rail **12** having sufficient friction for inhibiting sliding movement of the bracket along the rail (Figures 8-11).

As to claim 28, Baum discloses an apparatus wherein the clamp **15** includes a portion **41** disposed between the portions of the device **10** and the bracket **45** (Figures 8-11).

As to claim 29, Baum discloses an apparatus wherein the wing **30,26** includes a generally concave curvature **37a,37b**, relative to the bracket **45**, curving generally from the clamp portion **41** disposed generally between the portions of the device and the bracket towards the lip (Figures 8-11)

As to claim 30, Baum discloses an apparatus wherein the lip includes at least one partially sloped portion configured to facilitate engagement of the rail first edge of the rail **12** within the recess (Figures 10 and 11).

***Allowable Subject Matter***

8. Claim 21 is allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 21, Baum discloses the claimed apparatus with the exception of the means for resiliently engaging the front face of the rail including an opening therethrough, the means for resiliently engaging the front face of the rail being coupled to the device such that a portion of the means for resiliently engaging the front face of the rail is generally between the device and the means for defining a recess, and such that a portion of the means for defining a recess is received though the opening.

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10. Claims 4,10,15,25 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

As to claim 4, Baum discloses the claimed apparatus with the exception of wherein the clamp has an opening therethrough for receiving a portion of the bracket, and wherein the clamp is coupled to the device such that a portion of the clamp is generally between the device and the bracket and such that a portion of the bracket is received through the opening of the clamp.

As to claim 10, Baum discloses the claimed apparatus with the exception of wherein the clamp has an opening therethrough for receiving a portion of the bracket, and wherein the clamp is coupled to the device such that a portion of the clamp is generally between the device and the bracket and such that a portion of the bracket is received through the opening of the clamp.

As to claim 15, Baum discloses the claimed housing with the exception of wherein the clamp has an opening therethrough for receiving a portion of the bracket, and wherein the clamp is coupled to the device such that a portion of the clamp is generally between the device and the bracket and such that a portion of the bracket is received through the opening of the clamp.

There is no teaching or suggestion, absent the applicants' own disclosure, for one having ordinary skill in the art at the time the invention was made to modify a method as disclosed by Baum to have the above mentioned elemental features.

***Response to Arguments***

12. Applicant's arguments filed December 7, 2005 have been fully considered but they are not persuasive.

As to claims 1,7,12 and 22, Attorney argues that:

Raspotnig does not disclose an apparatus comprising a clamp on the device, *the clamp having a resilient wing for resiliently engaging the front face of the rail.*

Examiner disagrees. As to claim 1, Raspotnig discloses an apparatus comprising a clamp **22** on the device **10**, the clamp having a resilient wing **26** (wing **26** defines an outlying region; thus defining a wing) for resiliently engaging the front face of the rail **28** (Figures 1-4).

As to claims 1,7,12 and 22, Attorney argues that:

Baum does not disclose an apparatus comprising a latch for engaging the back face of the rail adjacent the second edge *against the bias of the clamp.*

Examiner disagrees. As to claims 1,7,12 and 22, Baum discloses an apparatus comprising a latch **47** for engaging the back face of the rail **12** adjacent the second edge against the bias of the clamp **15** (clamp **15** creates a spring force which biases bracket **45** away from rail **12** prior to full engagement of the clamp with the rail; Figures 8-11).

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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